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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,077	06/20/2003	Nicholas Michael DeVito	5-12-2-2	6848

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Docket Administration (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,077

Applicant(s)

DEVITO ET AL.

Examiner

Bing Q. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-19 are pending in the application for examination, wherein claims 1, 7, 8 and 18 independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 rejected under 35 U.S.C. 102(e) as being anticipated by Brennan et al (US Pat No. 6,735,295), herein after referred as Brennan.

Regarding claim 1, referring to figures 1 and 4A-4B, Brennan teaches method for sending a short message from a first wireline phone to a second wireline phone comprising:

 sending an SMS (Short Message Service) message from the first wireline phone to a switch (see Abstract; and figures 1 and 4A-4B; and col. 3, ln 33-col. 4, ln 18); and
 sending the SMS message from the switch to the second wireline phone (see Abstract; and figures 1 and 4A-4B; and col. 3, ln 33-col. 4, ln 18).

Regarding claim 2, referring to figures 1 and 4A-4B, Brennan teaches the method for sending a short message from a first wireline phone to a second wireline phone in accordance with claim the method further comprising the step of denying the SMS message at the second wireline phone (see col. 4, lns 19-39).

Regarding claim 3, referring to figures 1 and 4A-4B, Brennan teaches the method for sending a short message from a first wireline phone to a second wireline phone in accordance with claim 1, the method further comprising the step of displaying the SMS message on a caller ID display (see Abstract; and figures 1 and 4A-4B; and col. 3, ln 33-col. 4, ln 18).

Regarding claim 4, referring to figures 1 and 4A-4B, Brennan teaches the method for sending a short message from a first wireline phone to a second wireline phone in accordance with claim 2, the method further comprising the step of converting the SMS message to a voice message (see Abstract; and figures 1 and 4A-4B; and col. 3, ln 33-col. 4, ln 18).

Regarding claim 5, referring to figures 1 and 4A-4B, Brennan teaches the method for sending a short message from a first wireline phone to a second wireline phone in accordance with claim 1, wherein the step of sending an SMS message from the first wireline phone to a switch comprises sending a preformatted message from the first wireline phone to the switch (see Abstract; and figures 1 and 4A-4B; and col. 3, ln 33-col. 4, ln 18).

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4. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Link, II et al (US Pat No. 6,731,926), herein after referred as Link.

Regarding claim 7, referring to figure 2, Link teaches a method for sending a short message from a wireline phone to an information provider comprising:

sending an SMS (Short Message Service) message from the wireline phone to a switch (see Abstract; and figure 2; and col. 4, ln 1-col. 5, ln 21);

sending the SMS message from the switch to the information provider (see Abstract; and figure 2; and col. 4, ln 1-col. 5, ln 21); and

sending near real-time filtered information from the information provider to the wireless phone (see Abstract; and figure 2; and col. 4, ln 1-col. 5, ln 21).

5. Claims 8-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg et al (US Pat No. 6,205,205), herein after referred as Goldberg.

Regarding claims 8, referring to figures 1A, 1D, 3 and 5, Goldberg teaches a method for sending a message from a first wireline phone to a wireline SMS group, the wireline SMS group comprising a plurality of wireline phones, the method comprising:

sending a group SMS message for the wireline SMS group from the first wireline phone to a switch (see figures 1A, 1D, 3 and 5; and col. 4, ln 49-col. 5, ln 12; and col. 5, ln 56-col. 6, ln 23); and

sending the group SMS message from the switch to each of the plurality of wireline phones that are members of the wireline SMS group (see figures 1A, 1D, 3 and 5; and col. 4, ln 49-col. 5, ln 12; and col. 5, ln 56-col. 6, ln 23).

Regarding claims 9, referring to figures 1A, 1D, 3 and 5, Goldberg teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 8, wherein the step of sending a group SMS message for the wireline SMS group from the first wireline phone to a switch comprises sending a group SMS message comprising a list sent in the signaling message (see figures 1A, 1D, 3 and 5; and col. 4, ln 49-col. 5, ln 12; and col. 5, ln 56-col. 6, ln 23).

Regarding claims 10, referring to figures 1A, 1D, 3 and 5, Goldberg teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim wherein the wireline SMS group comprises a list provisioned on the switch (see figures 1A, 1D, 3 and 5; and col. 4, ln 49-col. 5, ln 12; and col. 5, ln 56-col. 6, ln 23).

Regarding claims 11, referring to figures 1A, 1D, 3 and 5, Goldberg teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 10, wherein the wireline SMS group is associated with a directory number (see figures 1A, 1D, 3 and 5; and col. 4, ln 49-col. 5, ln 12; and col. 5, ln 56-col. 6, ln 23).

Regarding claims 12, referring to figures 1A, 1D, 3 and 5, Goldberg teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 8, wherein the step of sending the group SMS message from the switch to each of the plurality of wireline phones comprises:

 sending the group SMS message from the switch to a first wireline phone (see figures 1A, 1D, 3 and 5; and col. 4, ln 49-col. 5, ln 12; and col. 5, ln 56-col. 6, ln 23); and

sending the group SMS message from the switch to a second wireline phone via a second switch (see figures 1A, 1D, 3 and 5; and col. 4, ln 49-col. 5, ln 12; and col. 5, ln 56-col. 6, ln 23).

Regarding claims 13, referring to figures 1A, 1D, 3 and 5, Goldberg teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 8, the method further comprising the step of providing voice mail notification at at least one of the plurality of wireline phones that are members of the wireline SMS group (see figures 1A, 1D, 3 and 5; and col. 4, ln 49-col. 5, ln 12; and col. 5, ln 56-col. 6, ln 23).

Regarding claims 14, referring to figures 1A, 1D, 3 and 5, Goldberg teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim the method further comprising the step of providing e-mail interworking at least one of the plurality of wireline phones that are members of the wireline SMS group (see figures 1A, 1D, 3 and 5; and col. 4, ln 49-col. 5, ln 12; and col. 5, ln 56-col. 6, ln 23).

Regarding claims 15, referring to figures 1A, 1D, 3 and 5, Goldberg teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 8, the method further comprising the step of, at the second switch, determining which phones should receive the group SMS message (see figures 1A, 1D, 3 and 5; and col. 4, ln 49-col. 5, ln 12; and col. 5, ln 56-col. 6, ln 23).

Regarding claims 16, referring to figures 1A, 1D, 3 and 5, Goldberg teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 15, the method further comprising the step forwarding the group SMS message from the second switch to the second wireline phone (see figures 1A, 1D, 3 and 5; and col. 4, In 49-col. 5, In 12; and col. 5, In 56-col. 6, In 23).

Regarding claims 17, referring to figures 1A, 1D, 3 and 5, Goldberg teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 8, wherein the step of sending the group SMS message from the switch to a first wireline phone comprises sending the group SMS message via a plurality of segmented messages (see figures 1A, 1D, 3 and 5; and col. 4, In 49-col. 5, In 12; and col. 5, In 56-col. 6, In 23).

Regarding claims 18, referring to figures 1A, 1D, 3 and 5, Goldberg teaches a method for sending a message from a first wireline phone to a wireline SMS group, the wireline SMS group comprising a plurality of wireline phones, the method comprising :

 sending a group SMS message for the wireline SMS group from the first wireline phone to a gatekeeper database (see figures 1A, 1D, 3 and 5; and col. 4, In 49-col. 5, In 12; and col. 5, In 56-col. 6, In 23);

 determining at the gatekeeper database the directory number of each of the phones in the wireline SMS group (see figures 1A, 1D, 3 and 5; and col. 4, In 49-col. 5, In 12; and col. 5, In 56-col. 6, In 23); and

sending the group SMS message from the gatekeeper database to the phones in the wireline SMS group (see figures 1A, 1D, 3 and 5; and col. 4, ln 49-col. 5, ln 12; and col. 5, ln 56-col. 6, ln 23).

Regarding claims 19, referring to figures 1A, 1D, 3 and 5, Goldberg teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 18, wherein the step of determining at the gatekeeper database the directory number of each of the phones in the wireline SMS group comprises determining the location utilizing directory number to switch mapping (see figures 1A, 1D, 3 and 5; and col. 4, ln 49-col. 5, ln 12; and col. 5, ln 56-col. 6, ln 23).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan (US Pat No. 6,735,295) in view of Link (US Pat No. 6,731,926).

As to claim 6, Brennan teaches the invention substantially as claimed, with the exception of providing the method of interworking with a wireless SMS. However, Link teaches a method of interworking with a wireless SMS (see Abstract; and figure 2; and col. 4, ln 1-col. 5, ln 21). Therefore, integrating Link's teachings into communication system of Brennan would be useful especially for communication user who use a combination of wireline and wireless telephones.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 4,972,461

U.S. Pat. No. 5,263,084

U.S. Pat. No. 5,646,982

U.S. Pat. No. 5,991,370

U.S. Pat. No. 6,711,240

U.S. Pat. No. 6,778,655

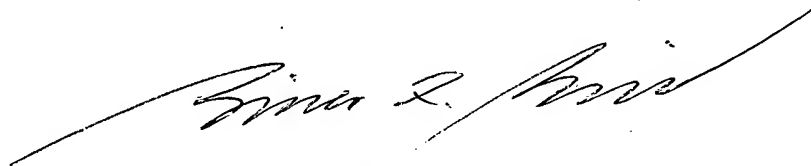
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

06 July 2005

A handwritten signature in black ink, appearing to read 'Bing Q. Bui', with a long, sweeping horizontal line extending to the left.

**BING Q. BUI
PRIMARY EXAMINER**